

UNITED STATES DISTRICT COURT

for the
 Anthony Lopez, #18A1905, Northern District of New
 Plaintiff York Division

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
 Zachary Buckley, Dylan Bomberdier,
 Jacob Mullady, Sgt. M. Peck

Jury Trial: (check one)

 Yes No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

The Parties to This Complaint

A. The plaintiff(s)

Anthony Lopez, #18A1905
Five Point's Correctional Facility
State Route 96, P. O. Box 119
Rulums, N.Y. 14541

B. The defendant(s)

Defendant No. 1

Dylan Bombardier, Correction Officer
of Clinton Correctional Facility, P.O.

Box 2000, Dannemora, NY 12929-2000

Individual capacity

Defendant No. 2

Zachary Buckley, Correction Officer
of Clinton Correctional Facility,

P.O. Box 2000, Dannemora, NY 12929

Individual capacity

Defendant No. 3

Jacob Mullady, Correction Officer
of Clinton Correctional Facility,

P.O. Box 2000, Dannemora, NY 12929

Individual capacity

Defendant No. 4

Merit Peck, Sargent of Clinton
Correctional Facility, P.O. Box 2000,
Dannemora, New York 12929-2000

Individual capacity

(2)

-ff

II. Basis for Jurisdiction

under 42 U.S.C. 1983, you may sue state or local official's for the "deprivation of any right's, privilege's, or immunitiess secured by the Constitution or federal laws". Under Bivens v Six unknown Named Agent's of the federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal official's for the violation of certain Constitutional Right's.

A. Are you bringing suit against (check that all apply):

Federal official's (a Bivens claim)

State or local official's (a 1983 claim)

B. Section 1983 allows alleging the "deprivation of any right's, privilege's, or immunitiess secured by the Constitution and federal laws": 42 U.S.C. 1983, if you are suing under Section 1983, what federal Constitutional or Statutory Right's do you claim is / are being violated by the state or local official's: Excessive use of force and Denied medical treatment.

(3)

Under the 8th and 14th amendment — fd

D. Section 1983 allows defendant(s) to be found liable only when they have acted "under Color of any Statute, Ordinance, Regulation, Custom, or usage, of any State or territory or the district of Columbia".

42 U.S.C. 1983, if you are suing under Section 1983, explain how each defendant acted under color of State or local law:

) defendant(s) Buckley, Bombardier and Mullady used excessive use of force by punching Mr. Lopez in the face causing 3 by 4 laceration to the top of the nose of the plaintiff, Anthony Lopez and Sgt. Merit Peck failed to (intervened) to stop the excessive use of force.

III: Prisoner Status

Convicted and Sentence prisoner

Immigration detainee

Pre-trial detainee

Civilly committed detainee

Other _____ Explain

Convicted and sentenced Federal Prisoner

-fl

(4)

First Claim

excessive use of force

Violation of 8th Amendment

Cruel and unusual punishment

MR Lopez repeatedly told Sgt. Peck that im willing to Comply and cuff up and exit the cell, Sgt. Peck ignored all Lopez pleas to come out & exit the cell. Then Sgt. Peck ^{Authorized} ~~allowed~~ officers Bombardier, Buckley, and mullady to Enter the cell. Once in the cell officer mullady struck Lopez with the Sheild and Mr. Lopez fell on the floor ~~face~~ First, once Lopez was on the ground officers Buckley and Bombardier struck Lopez in the face Multiple Times with closed fist causing an 3 by 4 inch Laceration to the top of Mr. Lopez nose that require sticties. Sgt. Merit Peck failed to stop the excessive use of force That was happening in the Plaintiff cell and failed to intervened, to Stop the assault from happening. As a result, The defendant's violated Plaintiff's 8th Amendment cruel and unusual Punishment. -11

Second claim

denial of the plaintiff's
Constitutional Right's to
Medical CARE under The
8th and 14th Amendment's

On September 24th, 2021, Incarcerated Lopez
Requested to see medical for his injuries he
Sustained in the excessive use of force and
he spoke to Angela Wills (RN) ^{stating} ~~said~~ that
i would like to go to the outside hospital for
my injuries that i sustained, ms wills stated
to Lopez you not getting NO medical attention
and ^{IM NOT} ~~not~~ giving you sticties for your nose.
The top of Mr. Lopez nose was bleeding so much
that it require sticties and Lopez was ~~NEVER~~ never
given medication for his injuries which is a
Violation of denying medical treatment to Lopez in
Violation of the 8th and 14th Amendment's. —AL

(4)

III. Statement of Claim:

On September 24th, 2021, Incarcerated individual Anthony Lopez was Housed At Clinton Corr. Fac. STU - 13 cell. when the extraction team came to Mr. Lopez cell, Mr. Lopez told Sargent Merit Peck That iam willing to Cuff up and Comply with Coming out of my cell. Sgt. Peck administered The first Application of Phantom Sabre fog from The canister. Mr. Lopez told Sgt. Peck i wanna Cuff up so i can Comply. Sgt Peck still ~~was~~ ingroring Mr. Lopez pleas to Comply and cuff up so he can exit his cell. After The Third Application ~~of~~ from the Sabre fog, Sgt. Peck authorize The extraction team to Entered the cell. With Sgt. Peck Stick line WAS Ready, he authorize officers Mullady, Bombardier and Buckley to enter Mr. Lopez cell, when The officers forced entry into the cell officer Mullady Struck Mr Lopez with The Sheild and Mr. Lopez fell to The ground Face first. officers Buckley and Bombardier Struck Mr. Lopez in the nose with Closed fists multiple times causing Mr. Lopez to receive 3 by 4 laceration to the top of Mr. Lopez Nose and causing Bruising. —~~Ad~~

(5)

Once Mr. Lopez was in restraints he was lifted up from his feet and was escorted out his cell to the shower so he can be decontaminated. Mr. Lopez ask the officer that was escorting Mr. Lopez to medical and medical refuse to take Lopez to the outside Hospital for his injuries he sustained to his top of Lopez nose that require stitches.

V. Injuries:

Anthony Lopez had sustained 3 by 4 laceration to the top of the nose and medical stated that Mr. Lopez refuse medical treatment for his injuries which was not true. Mr. Lopez stated to medical that he would like to get treated for his injuries that he sustained at the outside medical center.

Relief: Mr. Anthony Lopez requests that he be compensated for the excessive use of force against the defendant's and the denial of giving him medical treatment in the sum of 5 million dollars including pain and suffering.

Anthony Lopez
#18A1905

Lopez

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Clinton Correctional Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

At Clinton Corr. Fac.

2. What did you claim in your grievance?

treatment
excessive use of force and Dein Medical

3. What was the result, if any?

They did not give me an answer

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Skto

I wrote to the Superintendent

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Dep. A Frenya about my excessive use of force and the Superintendent McIntosh

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

No

Yes No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

 Yes No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

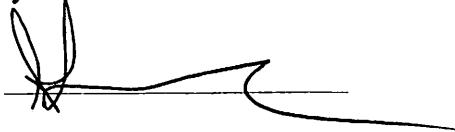
IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:



Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Anthony Loper

18A 1905

Five points Correctional Facility P.O. Box
Romeulus NY 14541 119

City

State

Zip Code

B. For Attorneys

Date of signing:



Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Five Points Correctional Facility
P.O. Box 119
Romulus, New York 14541

Legal Mail Only

Five Points Corrections
Facility P.O. Box 119
Romulus, New York 14541

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TO:
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Northern District of
New York, The Gate-
Way Building,
135 Durkee Street,
Pittsburgh, New
York 15222
TEGAL MTC

Anthony Lopez # 18A1905